

Aug 24, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JODY LEE WALLETTE,

Defendant.

No. 2:21-CR-00072-RMP-1

ORDER FOLLOWING DETENTION
REVIEW HEARING

MOTION DENIED
(ECF No. 23)

At Defendant's August 23, 2021, detention review hearing, Defendant appeared while in custody with Attorney Sandy Baggett. Assistant U.S. Attorney Earl Hicks represented the United States. U.S. Probation Officer Patrick Dennis was also present.

Both sides presented argument.

The Court has reviewed Defendant's motion for release to inpatient treatment, **ECF No. 23**, the Pretrial Services Report **ECF No. 10**, and the argument of counsel.

As a threshold matter, Defendant must proffer information not previously known to Defendant or his counsel, amounting to a material change in the circumstances considered by the Court in its prior detention determination. 18 U.S.C. 3142(f).

Defendant argues that this threshold is met on his showing that (1) the undersigned misconstrued the facts presented prior to the order of detention which defendant wishes reviewed, **ECF No. 21**, and (2) Defendant now has a confirmed bed date for inpatient substance abuse treatment.

1 In response, the United States proffers additional facts through a Spokane
2 Police Department report of a hotel room in which were found distribution
3 quantities of methamphetamine and heroin and a scale and firearm accessory
4 associated to Defendant through “dominion and control” paperwork there,
5 including medical information and court dates in Defendant’s name.

6 Following the first detention hearing the Court understood that in February
7 2021 state authorities searched an address associated with Defendant following a
8 controlled buy of drugs at that address resulting in Defendant being charged in
9 state court. Sometime afterwards, while released on conditions and awaiting trial
10 on the state charges, Defendant was stopped while driving his vehicle and
11 distribution quantities of Fentanyl and other drugs and a firearm and over \$50,000
12 in cash were in the vehicle. This vehicle stop is the basis of the instant Federal
13 charges.

14 Taking this evidence to show that there was probable cause that *while*
15 *awaiting trial* on a state felony drug offense Defendant committed a separate drug
16 and firearm offense, the court concluded that defendant presented a danger to the
17 community and was unlikely to abide by court-ordered conditions.

18 In arguing the instant motion to reconsider, the parties clarify that the state
19 authorities’ search of the address of the controlled buy, and the stop of the vehicle
20 defendant was driving, *were on the same day* in February 2021. That is, while any
21 evidence that Defendant’s alleged drug distribution represents a danger to the
22 community remains of the same quality as before, the evidence that Defendant was
23 involved in such activity *while under court-ordered conditions* is significantly
24 diminished.

25 The circumstances regarding the hotel room are alleged to have occurred in
26 July 2021, after Defendant’s June 2021 indictment and mere days before his arrest
27 in this cause. The United States argues that this evidence supports continued
28 detention.

1 The Court finds the Defendant has not met the required threshold, and that
2 Defendant continues to represent a danger to the community which no conditions
3 or combination of conditions will abate.

4 Therefore, **IT IS ORDERED** Defendant's motion for detention review,
5 **ECF No. 23**, is **DENIED**. Defendant is remanded to the custody of the U.S.
6 Marshal pending disposition of this case or until further order of the court.

7 **IT IS SO ORDERED.**

8 DATED August 24, 2021.

A handwritten signature in black ink, appearing to be "M", is written above a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE